IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6438 of 2006
Date of Decision: 4.12.2006

Jang Singh ...Petitioner

Versus

Baljinder Kaur and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Lalit Garg, Advocate, for the petitioner.

HEMANT GUPTA,J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 23.9.2006, whereby the plaintiffs were permitted to file the present suit an indigent persons.

Learned counsel for the petitioner has vehemently argued that the mandatory provisions of Order 33 Rule 6 CPC have not been complied with as notice to the Collector was not issued. However, the said argument is not available to the petitioner, who is the defendant in the suit and such order has been passed after issuing notice to him. Still further, it is not mandatory for the Court to issue notice to the Collector. The provisions of the Order 33 Rule 6 CPC are directory in nature and, therefore, the mere fact that the notice was not issued to the Collector, will not vitiate the order passed by the learned trial Court.

Another argument raised by the learned counsel for the petitioner is that the schedule of the property has not been verified. The said argument is meaningless in as much as the parties have appeared as witnesses and the petitioner has been given opportunity to cross-examine

the plaintiffs. Therefore, non verification of the schedule of the properties looses its significance.

Consequently, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court, in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

04-12-2006 (HEMANT GUPTA)
ds JUDGE